

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

United States Courts
Southern District of Texas
FILED

for the

Southern District of Texas

DEC 03 2021

Nathan Ochsner, Clerk of Court

United States of America

v.

Hayden Michael ESPINOSA

Case No. C-21-1455M

Defendant(s)

SEALED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 30, 2021 in the county of Nueces in the
Southern District of Texas, the defendant(s) violated:

Code Section

26 U.S.C 5861 (d)

Offense Description

Defendant did possess a firearm that was required to be registered in the National Firearms Registration and Transfer Record and was in fact not registered.

This criminal complaint is based on these facts:

See affidavit.

☒ Continued on the attached sheet.Submitted by reliable electronic means,
sworn to, signature attested
telephonically per Fed. R. Crim. P. 4.1

Oscar Guardado

Complainant's signature

Oscar Guardado, ATF Special Agent

Printed name and title

Date: 12/03/2021City and state: Corpus Christi, Texas

Mitchel Neurock

Judge's signature

Mitchel Neurock U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Oscar Guardado, being duly sworn, do hereby state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Justice Department, assigned to the Corpus Christi Field Office and have been so employed since October 28, 2019. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26, United States Code. Prior to the employment with ATF, I was employed with the Customs and Border Protection Office of the Border Patrol. I was employed in this capacity April 10, 2008 through October 27, 2019. During this tenure I was vested with the authority to enforce Federal Immigration Law in the southern border of Texas. As a result of my training, my experience relating to these statutes, and the experience of other senior ATF Special Agents, I know that it is a violation of:

Title 26 USC Section 5861 (d): for any person to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.

Further, the Affiant states as follows:

1. Your Affiant is familiar with the information contained in this affidavit, either through personal investigation or through discussion with other law enforcement officers, who have participated in and have contributed documentary reports of their investigative efforts in this matter.
2. The United States, including ATF and the United States Postal Service Inspectors Office, is conducting a criminal investigation regarding possible violations of Title 26 U.S.C. § 5861 by Hayden ESPINOSA (hereinafter "ESPINOSA"). Agents believe that ESPINOSA was in the possession of firearms defined by the National Firearms Act (NFA) as Machine Guns on or about November 30, 2021.
3. Furthermore, Agents know that "glock switches" and AR "lightning links" are common terms used for devices that fit on firearms, which make the firearms shoot in an automatic function, thus classifying the firearms as a machine gun. By NFA definition, a "glock switch" and AR "lightning link" are defined as a machine gun regardless of whether it is installed on a firearm.
4. In the course of the investigation, Agents conducted surveillance at a residence in Corpus Christi, Texas. During the surveillance, ESPINOSA is observed exiting the residence and ATF Agents observe him carrying several small brown packages (hereinafter "packages"). Agents also observe that the packages had white mailing labels on the outside. Based on previous information, Agents recognized that the packages appear to be similar to that of the previously identified packages mailed via the United States Postal Service (USPS) by ESPINOSA which were also found to contain "glock switches" and AR "lightning links."
5. ESPINOSA was observed leaving the residence and entering a vehicle. Agents followed ESPINOSA and observed him placing the packages in a United States Postal Service drop box located in Corpus Christi.
6. The USPS Inspectors were contacted and retrieved the packages from the aforementioned USPS drop box. USPS Inspectors took custody of the four packages pending further

investigation. All of the labels on the packages had the same USPS account number, which is linked to ESPINOSA.

7. On or about December 1, 2021, USPS Inspectors obtained a federal search warrant signed by U.S. Magistrate Judge Mitchel Neurock for the four packages taken into custody the previous day. On or about December 2, 2021, the federal search warrant was executed at the Corpus Christi ATF Office.
8. During the search warrant execution, ATF recovered several suspected AR "lightning links" and several suspected "glock switches" from the aforementioned packages. Agents examined the suspected AR "lightning links" and "glock switches" and have observed that the items lack a serial number and appear to have been built using a 3D laser printer.
9. ATF Agents contacted the ATF Firearms and Ammunition Technology Division and received confirmation that the items recovered were machine guns per NFA definition.
10. Your Affiant initiated a query on Hayden ESPINOSA through the National Firearms Registration and Transfer Record (NFRTR) and confirmed ESPINOSA did not have the required registrations to possess or produce machine guns as required by law.

Based on the above information, your Affiant believes ESPINOSA possessed a firearm in violation of Title 26, United States Code Section 5861 (d).

AUSA Joel Dunn approved this criminal complaint for filing.

Further, the Affiant sayeth not.



Oscar Guardado, ATF Special Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on 3rd day of December 2021.



Mitchel Neurock
UNITED STATES MAGISTRATE JUDGE